

AMENDMENT TO THE DRAWINGS

FIG. 1 is currently amended to add the reference numeral 11. Both a replacement sheet and an annotated sheet showing changes to the drawings are attached to this paper in the Appendix following page 14.

Attachments: Replacement Sheet
Annotated Sheet

REMARKS

The present communication responds to the final Office action of April 16, 2008 in which the Examiner rejected claims 1-34 and objected to the drawings. Claims 1-27 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 4,645,494 ("Lee et al."). Claims 28-31 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,098,397 ("Svensson et al."). Claims 1-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Svensson et al. in view of U.S. Patent 4,488,877 ("Klein et al."). Claims 32-34 were rejected under U.S.C. § 103(a) as unpatentable over Svensson et al. in view of Lee et al.

Claims 1, 19 and 28 have been amended. No new subject matter has been added to the claims. Support for amended claims 1, 19 and 28 can be found in general throughout the specification and in particular, for example, at page 7, lines 7-8, page 11, line 26 to page 12, line 4, page 14, line 24 to page 15, line 2, and FIG. 2.

The claim rejections are traversed in view of the amendments and for at least the reasons articulated below.

Reconsideration is requested.

Drawing Objections Under 37 C.F.R. § 1.83(a)

The drawings are objected to under 37 C.F.R. § 1.83(a).

Original FIG. 4 shows reference numeral 11, the outer thread. To advance prosecution, FIG. 1 has been amended to also include the outer thread, reference numeral 11. This change is supported by the specification on page 10, lines 14 and 15, "an outer thread 11 is formed which serves to screw onto an inner thread of the main casing 2."

The amendment to FIG. 1 is reflected in the attached replacement sheet and annotated sheet showing changes.

Furthermore, claim 28 has been amended to recite, “a connecting device comprising an outer threaded surface configured to engage with the port casing threaded surface...”

Withdrawal of the drawing objection is requested.

Claim Rejections Under 35 U.S.C. § 102 (b)

The rejections are traversed for at least the following reasons.

Lee et al.

Claims 1-27 were rejected under 35 U.S.C. § 102(b) as anticipated by Lee et al.

Claim 1 has been amended to recite *inter alia* “a replaceable implantable first fluid guiding system comprising a disc-shaped supporting body...”

Lee does not disclose a first fluid guiding system comprising a disc-shaped supporting body. Instead, Lee et al. discloses a peritoneal device system with a catheter conduit 26 through which a catheter 30 is inserted. Catheter 30 is held to device 10 by a wedge-like catheter adapter 32. (*Lee et al.*, col. 4, lines 37-48).

Claims 2-18 depend directly or indirectly from amended claim 1 and are patentable over Lee et al. for at least those reasons set forth above with respect to amended claim 1.

Claim 19 has been amended to recite *inter alia* “a base body and a connecting cannula of said connecting head, wherein said connecting cannula fluidically connects the percutaneously implanted port to the external fluid guiding system...”

Lee et al. does not disclose a connecting head including a connecting cannula, wherein said connecting cannula fluidically connects the percutaneously implanted port to the external fluid guiding system. To the contrary, Lee et al. discloses a cannula spike 42 which comprises a tubular portion having a lower external flange 44 and an upper closed end 46 which may be rounded or pointed. Therefore, Lee et al. does not disclose a connecting cannula connecting

cannula fluidically connects the percutaneously implanted port to the external fluid guiding system because the cannula spike has a closed end.

Claims 20-27 depend directly or indirectly from amended claim 19 and are patentable over Lee et al. for at least those reasons set forth above with respect to amended claim 19.

Reconsideration and withdrawal of the § 102 rejection of claims 1-27 are requested.

Svensson et al.

Claims 28-31 were rejected under U.S.C. § 102(b) as anticipated by Svensson et al.

Claim 28 has been amended and recites *inter alia* “a percutaneously implantable port for establishing a fluid connection between said fluid guiding systems, said port comprising a port casing having a threaded surface; a connecting device comprising an outer threaded surface configured to engage with the port casing threaded surface, and a plurality of second connecting elements arranged on an upper side of the connecting device, said second connecting elements configured to engage with said first connecting elements.

It is stated in the Office Action that a “connecting device” includes 5 (seal), 6 (screw cap), and 8 (outer cylinder) of Svensson et al. (*Office Action, page 5, last paragraph*). However, Svensson et al. does not disclose a plurality of second connecting elements arranged on an upper side of the connecting device, said second connecting elements configured to engage with said first connecting elements. FIGS. 1 and 2 of Svensson et al. do not show a plurality of second connecting elements arranged on an upper side of the connecting device. (*Svensson, et al. FIGS. 1 and 2*). Therefore, there are no first connecting elements engaged to any second connecting elements.

Reconsideration and withdrawal of the § 102 rejection of claims 28-31 are requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-18 were rejected under U.S.C. § 103(a) as unpatentable over Svensson et al. in view of Klein et al.

Applicant traverses the rejection for at least the following reasons.

Claim 1 has been amended to recite *inter alia* “a percutaneously implantable port for establishing a fluid connection between said fluid guiding systems, said port comprising a port casing which forms a first connecting element; and a connecting device which comprises a second connecting element on an upper side of the connecting device....”

Svensson et al. discloses a percutaneous access device. It is stated in the Office Action that a “connecting device” includes 5 (seal), 6 (screw cap), and 8 (outer cylinder) of Svensson et al. (*Office Action, page 5, last paragraph*). However, Svensson et al. does not disclose a port casing which forms a first connecting element; and a connecting device which comprises a second connecting element on an upper side of the connecting device. FIGS. 1 and 2 of Svensson et al. do not show a second connecting element on an upper side of the connecting device. (*Svensson, et al. FIGS. 1 and 2*).

Klein et al. fails to remedy the deficiencies of the disclosure of Svensson et al. since it does not disclose or suggest features as recited in amended claim 1.

Claims 2-18 depend directly or indirectly from amended claim 1 and are patentable over Svensson et al. in view of Klein et al. for at least those reasons set forth above with respect to amended claim 1.

Applicant requests, therefore, that the rejection of claims under § 103(a) over Svensson et al. in view of Klein et al. be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 32-34 were rejected under U.S.C. § 103(a) as unpatentable over Svensson et al. in view of Lee et al.

Applicant traverses the rejection for at least the following reasons.

Claims 32-34 depend directly or indirectly from amended claim 28. As explained above, Svensson et al. does not disclose a plurality of second connecting elements arranged on an upper side of the connecting device, said second connecting elements configured to engage with said first connecting elements.

Lee et al. fails to remedy the deficiencies of the disclosure of Svensson et al. since it does not disclose or suggest features as recited in amended claim 28.

Applicant requests, therefore, that the rejection of claims under § 103(a) over Svensson et al. in view of Lee et al. be withdrawn.

Conclusion

This response is being submitted on or before September 16, 2008, and an extension of the time to respond until that date is hereby requested. Also, a request for continued examination (RCE) is being submitted herewith. The fee for the extension of time and the RCE should be charged to Deposit Account No. 04-1420. The Commissioner is also authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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Date:

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APPENDIX